

REMARKS

This Amendment is in response to the Office Action mailed November 25, 2005. In the Office Action, claims 3-6, 13-14, 17-18, 21-22 were rejected under 35 U.S.C. § 112, claim 1 was rejected under 35 U.S.C. § 102, and claims 2, 7-12, 15-16, and 19-20 were rejected under 35 U.S.C. § 103. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

While the drawings have been objected, no drawing changes are required based on the amendments set forth above. Withdrawal of the objection is respectfully requested.

Claim Objections

Claims 2, 5 and 20 were objected based on various informalities. Claims 2, 5 have 20 have been amended to correct these informalities. Applicant respectfully requests that the Examiner withdraw the objection to claims 2, 5 and 20.

Rejection Under 35 U.S.C. § 112

Claims 3-6, 13-14, 17-18 and 21-22 were rejected under 35 U.S.C. § 112, first paragraph. Applicant respectfully traverses the rejection. However, further discussion of the outstanding rejection is moot because claims 5-6, 18 and 22 have been cancelled without prejudice and claims 3-4, 13-14, 17 and 21 have been amended.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 8-10 under 35 U.S.C. § 112, first paragraph.

Rejection Under 35 U.S.C. § 102

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Watanabe (U.S. Patent No. 5,463,590). Applicant respectfully traverses the rejection because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is

found, either expressly or inherently described, in a single prior art reference.” *Vergegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989).

For instance, Watanabe does not teach control logic that is responsive to the receipt by the memory device of a row activate command that causes a first row of memory cells to be opened if no rows are open, or alternatively, causes when the first row of memory cells to be opened and a different row from the first row in the bank to be closed when the different row is opened. Herein, Watanabe does not teach this row activate command with an implied precharge command to cause performance of opening and closing rows of memory cells. Rather, Watanabe teaches a separate, explicit precharge command separate and distinct from any row activation command.

Applicant respectfully requests that the outstanding §102(b) rejection be withdrawn.

Rejection Under 35 U.S.C. § 103

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe in view of Osborne (U.S. Application 10/676,882) and Bondurant (U.S. Patent No. 6,330,636). Moreover, claims 7-12, 15-16 and 19-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe, Osborne and Bondurant in further view of “NEC Preliminary User’s Manual, Memory Controller NA85E35, NBA85E535Vxx” second edition. Applicant respectfully traverses the rejection because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. See *MPEP* §2143; see also *In Re Fine*, 873 F. 2d 1071, 5 U.S.P.Q.2D

1596 (*Fed. Cir. 1988*). Herein, the combined teachings of the cited references fail to describe or suggest all the claim limitations as noted above.

Therefore, Applicant respectfully requests the Examiner to reconsider the claims as pending.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Dated: February 27, 2006

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